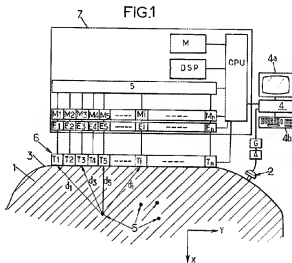


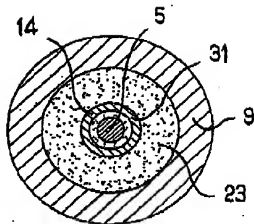
REMARKS

The office action mailed March 26, 2007 has been carefully reviewed and these remarks are responsive thereto. Applicants herein amend claims 1, 10 and 32-34. No new matter is introduced.

The office action rejected claims 1, 2, 10, 13-18, 21, 22, 24-27 and 31 under 35 U.S.C. §102(b) based on U.S. Patent 6,770,033 (Fink). Amended claim 1 recites a vibrator arranged to emit, from a surface of the apparatus in contact with a region of skin extending around an axis of an ultrasound probe, at least one shear wave to that region of skin. This is not taught or suggested by Fink. Fink's vibrator 2 contacting outside surface 3 of observed medium 1 does not extend *around* the probe 6, as shown by Fink Fig. 1 (reproduced below).

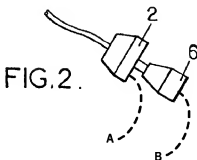


Fink's vibrator 2 is similarly not arranged to emit a shear wave from some other surface in contact with a region of skin extending around probe 6. Conversely, and as shown in Applicants' Fig. 2 (reproduced below) for one embodiment, a vibrator emits a shear wave into tissue via a coupling member 23, and an ultrasound probe 5 has an axis coming out of the page.

FIG. 2

See also Applicants' Fig. 1 and specification at pages 11-12. As explained in Applicant's specification from page 1, line 33 to page 2, line 3, aspects of the arrangement of claim 1 make it possible to increase the amplitude of the displacements of the skin along the axis of the ultrasound probe, thereby increasing measurement accuracy.

Claim 1 is similarly not taught by Fink Fig. 2, which purports to show a "transverse arrangement [of probe 6] with respect to the loudspeaker 2." Fink Fig. 2 is reproduced below with annotations A and B to respectively mark surfaces of loudspeaker 4 and probe 6.



Clearly, if surface B of probe 6 were placed into contact with outer surface 3 of observed medium 1 (assuming "observed medium 1" is a patient), surface A of loudspeaker 2 would be

above the skin region around probe 6, and thus not in contact with that skin region directly or via some other component.

Accordingly, claim 1 is allowable. Claims 2, 10, 13-18, 21, 22, 24-27 and 31 depend from claim 1 and are allowable for the same reason as claim 1, and further in view of additional recited features. For example, claim 2 recites a coupling member enabling ultrasound waves to be transmitted between the probe and the skin. The office action asserts that element number 1 in Fink Fig. 1 is a “coupling member/Viscoelastic medium.” However, Fink clearly indicates that element 1 is not a “coupling member,” but is instead the thing being studied with the Fink device. Fink col. 4, lines 55-65 (indicating that element 1 can be “an inert body, in particular in the case of quality control for industrial applications, in particular agro-food applications” or “a living body, for example a part of the body of a patient”). Claim 25 recites a skin analysis method comprising analyzing skin by means of the apparatus of claim 1. Fink column 1, lines 9-16 (cited by the office action) do not teach analyzing skin. Instead, and as explained at column 2, lines 45-50 and column 5, lines 35-43, Fink appears directed toward observation of more deeply situated regions (e.g., internal organs).

The office action rejected claims 3, 4, 6-8, 11 and 12 under 35 U.S.C. § 103 based on Fink. Because these claims all depend from claim 1, they are allowable for at least the same reasons as claim 1.

Claim 5 stands rejected under 35 U.S.C. § 103 based on Fink in view of U.S. Pat. Pub. No. 2002/0007118 (Adachi et al.). Claim 9 stands rejected under 35 U.S.C. § 103 based on Fink in view of U.S. Pat. 3,764,193 (White). Claims 19 and 20 stand rejected under 35 U.S.C. § 103 based on Fink in view of U.S. Pat. 6,656,116 (Kim et al.). Claim 23 stands rejected under 35 U.S.C. § 103 based on Fink in view of U.S. Pat. 5,139,020 (Koestner et al.). Claim 28 stands rejected under 35 U.S.C. § 103 based on Fink in view of U.S. Pat. Pub. No. 2002/0010398 (Bonnefous). Claims 29 and 30 stand rejected under 35 U.S.C. § 103 based on Fink in view of U.S. Pat. Pub. No. 2002/0095087 (Mourad et al.). Claims 32-34 stand rejected under 35 U.S.C. § 103 based on Fink in view of U.S. Pat. 4,206,769 (Dikstein). Claims 5, 9, 19, 20, 23, 28-30 and 32-34 depend from claim 1. Even if the teachings of Fink would properly have been

combinable with teachings from any of these additional references, which Applicants do not concede, none of these additional references teach the features of claim 1 that are absent from Fink. Accordingly, claims 5, 9, 19, 20, 23, 28-30 and 32-34 are also allowable.

Applicants have amended claim 10 for consistency with claim 1. Applicants have amended claims 32-34 for purposes of clarification, and believe the rejection of claim 34 under 35 U.S.C. § 112 is now moot.

All rejections having been fully addressed, Applicants respectfully submit that this application is in condition for immediate allowance and respectfully solicit prompt notification of the same.

Respectfully Submitted,

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